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E-filed 10/23/06

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SALINAS DIVISION

16 UNITED STATES OF AMERICA,

) No. CR 06-00444 PVT

17 Plaintiff,

) STIPULATION AND [PROPOSED]
18 v.) ORDER EXCLUDING TIME

MIGUEL A. RIVERA, JR.

Defendant.

SAN JOSE VENUE

On September 28, 2006, the parties in this case appeared before the Court for a status hearing. After Peter Leeming, Defense Counsel, indicated that he planned to file a motion to exclude certain evidence, the parties jointly requested that the case be placed on Judge Lloyd's calendar for Thursday, November 2, 2006. Special Assistant United States Attorney Amy Nelson then requested an exclusion of time under the Speedy Trial Act from September 28, 2006 until the disposition of the motion in accordance with 18 U.S.C. §§ 3161(h)(1)(F), (h)(8)(A) and (B)(iv). The defendant, through Peter Leeming, his attorney, agreed to the exclusion. The undersigned parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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2 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

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4 DATED: 12 OCT 06

AMY J. NELSON
Special Assistant United States Attorney

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6 DATED: 14 Oct. 06

PETER LEEMING
Counsel for Mr. Rivera

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10 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
11 under the Speedy Trial Act from September 28, 2006 until disposition of the motion. The Court
12 finds, based on the aforementioned reasons, that the ends of justice served by granting the
13 requested continuance outweigh the best interest of the public and the defendant in a speedy trial.
14 The failure to grant the requested continuance would deny defense counsel reasonable time
15 necessary for effective preparation, taking into account the exercise of due diligence, and would
16 result in a miscarriage of justice. The Court therefore concludes that this exclusion of time
17 should be made under 18 U.S.C. §§ 3161(h)(1)(F), (h)(8)(A) and (B)(iv).

18 SO ORDERED.

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20 DATED: 10/23/06 —

HOWARD R. LINDY
United States Magistrate Judge

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